



California Conference  
of Directors of  
Environmental Health

May 2, 2012

#15

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
Via email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov).

Dear Ms. Townsend and State Water Resource Control Board members:

The California Conference of Directors of Environmental Health (CCDEH) membership is comprised from the Environmental Health Directors from 62 jurisdictions, including all counties and 4 cities. Our members are responsible for protecting public health, enhancing safety and safeguarding the environment by delivering effective local environmental health programs, including those related to the permitting and oversight of onsite wastewater treatment systems (OWTS).

CCDEH actively participated with State Water Resources Control Board (SWRCB) staff and other stakeholders throughout the development of the Final Draft Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (policy). This involvement has led to a policy that is risk based, allows the continued use of OWTS while protecting water quality and public health, and recognizes that responsible local environmental health agencies provide the most effective means to manage OWTS on a routine basis. CCDEH supports this framework and is appreciative of the SWRCB and their staff for their effort in development of this policy.

While CCDEH supports the policy, it is understood that all our members may not be in complete agreement with all the policy's provisions. Attached are some of the concerns brought to CCDEH by its members that should be considered through the adoption process and subsequent implementation. It is also understood that other stakeholders may have concerns with the policy. CCDEH remains committed to working with SWRCB staff and other stakeholders over the next several weeks to resolve these concerns prior to adoption.

CCDEH is cautiously optimistic about the next phase of policy implementation following adoption, which is development of Local Agency Management Program (LAMP) plans. While the proposed policy provides administrative process for dispute resolution between local agencies and the Regional Boards if needed, CCDEH believes the SWRCB and their staff must be fully engaged throughout the initial LAMP development, review and approval processes. This engagement will be necessary to ensure the continuation of existing, protective local programs, that only the necessary monitoring and reporting requirements are established, and that consistent and equitable LAMP plans are required, including those where a local agency is overseen by multiple Regional Water Quality Control Boards. To accomplish this, CCDEH is committed to continue its partnership with SWRCB staff and is ready to assist in development of procedures to ensure timely approval of the LAMPs and their continued successful and efficient implementation.

If you have questions, please feel free to call at (530) 283-6367 or email me at [jerrysipe@countyofplumas.com](mailto:jerrysipe@countyofplumas.com). You may also contact Terry Schmidtbauer, Land Use Policy Committee Chair at (707) 784-3308 or via email at [tschmidtbauer@solanocounty.com](mailto:tschmidtbauer@solanocounty.com).

Sincerely,

Jerry Sipe, President



### 1. Section 3.1:

- 1 → a. Section 3.1 suggests that a local agency implements either Tier 0, Tier 1, Tier 3, and Tier 4, or Tier 2. This is not the case as an agency choosing to implement a LAMP under Tier 2, is still responsible to implement Tier 4 criteria, and may choose to implement Tier 3. Modification to the wording in this section is necessary.
- 2 → b. It is unclear whether a local agency is required to implement Tier 3, or may defer implementation to the RWQCB. Clarifying language should be provided here and in Section 10.0 to explicitly state that a local agency does not have to be the lead agency in implementing Tier 3 requirements, but may defer oversight to the RWQCB.
- 3 → c. Concern has been expressed that wording within section 3.1 does not emphasize existing local programs will remain in effect throughout the LAMP approval process. It is recommended that additional wording to reinforce that it is the policy's intent to allow existing local programs to remain in place during the LAMP approval process be provided.

### 2. Section 4.3

- 4 → Request wording "if appropriate" be removed and be replaced with wording: "and if meets the policy objective". This wording better delineates the parameters to which the LAMP should be compared.

### 3. Section 4.5

- 5 → There is concern that this section does not provide adequate detail regarding which issues are worthy of revoking an existing LAMP, or timelines by which they need to be raised once discovered. Additional wording should be provided to better define issues and timelines regarding request submissions by any person.

### 4. Section 6.2:

- 6 → This section states a RWQCB or local agency may deny coverage under this policy to any OWTS that is not in compliance with section 6.1. However, section 6.2.2 does not direct the RWQCB to consult with a local agency in determining if coverage should be denied. Wording to consult with local agency, especially if there is a LAMP, should be provided.

### 5. Section 7:

- 7 → There are several sections and tables in the Tier 1 that refer to different criteria if there is an approved Tier 2 program. This needs to be corrected by removing all references to Tier 2 or a LAMP from Tier 1 to avoid confusion that Tier 1 and Tier 2 do not exist concurrently; it is either one or the other.

### 6. Section 9.2.6:

- 8 → Septage facilities are regulated by the Regional Water Quality Control Board. Given this, it seems redundant and unnecessary for local agencies to provide a list of locations that accept septage and their capacities. This should be a condition of approval issued by the RWQCB for those specific facilities. It is suggested that this condition be removed from LAMP approval process.



**7. Section 9.2.11:**

- 9 → a. While it is agreed that protecting our drinking water supply is paramount, there is concern that this requirement is too far reaching and may place unnecessary delays on the permitting of OWTS that comply with Tier 1 or approved LAMP standards, which are protective. If this requirement remains, it should specifically apply to community public water systems.
- 10 → b. A local agency should only be required to implement this section if the California Department of Public Health provides information on the public water systems surface water intake or well location. Local agencies do not necessarily have independent access to this information due to security concerns and/or lack of public water system program delegation.

**8. Section 9.4.9:**

- 11 → The availability of public sewer is too narrowly defined and does not seem to account for the process required to extend district boundaries. Local Agency Formation Commissions set those boundaries and may or may not approve extension of the district to allow for connections outside the current district boundaries. There may be a moratorium for additional connections in place, or boundaries may be established through legislation. All these conditions are usually outside the control of the local agency. It is recommended that wording be added to clarify that the sewer operator must allow the connection for sewer to be available. If this requirement is not modified, than clarification needs to be provided regarding long term methods to correct failures or to provide liquid waste disposal for new development on existing lots where the sewer operator will not allow connection.

**9. Sections 9.4.9 and 9.4.10:**

- 10 → Same as section 9.2.11 above.

**10. Section 10.0 and 10.16:**

- 12 → Wording needs to be provided to clarify that Tier 3 is the minimum responsibility of a local agency that *chooses to administer* an Advanced Management Program and that a local agency may decide to defer to the RWQCB.

**11. Section 10.6.9:**

- 10 → Same as section 9.2.11 above.

**12. Section 11.6:**

- 13 → Wording should be modified to allow corrective action to extend beyond the three month time frame. This restriction may result in inadequate repairs to meet an arbitrary timeline. For example, if a leach field is failing, the immediate hazard may be abated promptly by using the septic tank as a vault and pumping as needed. The ultimate corrective action, repair of the leach field, may be delayed due to many variables, including weather and funding options.